



## State of Wisconsin / DEPARTMENT OF MILITARY AFFAIRS

OFFICE OF THE ADJUTANT GENERAL

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### Furlough Plan for DMA – July 5, 2009-July 2, 2011

#### INTRODUCTION

The Department of Military Affairs (DMA) has developed a furlough strategy in compliance with the Governor's Executive Order 285 and within the June 23, 2009 Guidelines issued by the Office of State Employment Relations (OSER). In developing this strategy the Department considered its approximately 450 permanent, project and unclassified employees (including non-represented staff and staff represented by 11 different bargaining units), business areas, work sites, agency mission, and operational needs.

If any bargaining units do not reach understanding with OSER on the use of the options named in the OSER Administrative Guidance on Furloughs, the Department's plan will apply to those employees only as far as their labor agreements allow. In those cases the Department will follow the applicable contract language, including the Management Rights provisions, the layoff provisions and any other relevant provisions with respect to any action that can be taken by the Department.

The Department of Military Affairs received OSER approval of a furlough plan for its Challenge Academy on July 14, 2009.

This plan covers employees at The Adjutant General's Office Headquarters, Wisconsin Emergency Management, Air National Guard Bases in Milwaukee, Madison, and Camp Douglas, Wisconsin Military Academy, Directorate of Installations Management, and United State Property & Fiscal Office.

DMA's contact is: Lynn Boodry, State Human Resources Director, (608) 242-3163.

#### POLICY

For permanent and project employees, the required number of annual furlough hours will be based on the position's budgeted full-time equivalent (FTE). Full-time employees will be required to reduce work hours by 64 hours (eight days) each of the next two fiscal years (July 5, 2009-July 2, 2011), for a total of 128 hours (16 days).

Required furlough hours for newly part-time employees and employees newly hired after July 1, 2009, will be prorated based on the budgeted FTE and/or date of hire. Limited Term Employees (LTEs) shall be restricted to a maximum of 1,011 hours per fiscal year during the biennium.

With the possible exception of Fire/Crash Rescue Specialists, and except for part time employees, all other employees (excluding those in option #3) will be taking their furloughs in increments of no more and no less than 8 hours of furlough time during any work week.

Employees on military leave for active duty (excluding annual military leave) are not subject to furloughs. Upon return to a state position, such employees will have furlough obligations prorated for the remainder of the biennium. Some of the time served in Leave without Pay Status may be credited to the employee's furlough obligation, as determined by management.

Employees on unpaid medical leaves will also be able to charge up to 64 hours per fiscal year of that leave to furlough, as determined by management. During the period that the employee is both medically unable to work and unpaid, the furlough hours per week may total up to the employees budgeted FTE.

Consistent with existing agency policies, overtime is to be kept to a minimum based on operational needs. As directed by the Office of State Employment Relations (OSER), overtime for the sole purpose of making up for furlough hours shall not be permitted. Employees will not be permitted to work at all during their furloughs (see FLSA section below for what constitutes 'work').

When DMA is in response to an emergency, state or national, employees may be required to work on scheduled furlough days. Supervisors will provide other options as identified below to ensure compliance with the furlough requirements.

### **FAIR LABOR STANDARDS ACT (FLSA) CONSIDERATIONS**

The federal Fair Labor Standards Act (FLSA) establishes, among other things, minimum wage and overtime standards. Under the FLSA, employees must receive overtime pay for hours worked over 40 per workweek at a rate not less than one and one-half times the regular rate of pay. Salaried executive, professional, and administrative employees may be exempted from the overtime provisions of the FLSA. DMA employs both exempt and non-exempt employees.

Under the FLSA, exempt employees generally must receive their full salary for any workweek in which work is performed. The FLSA does allow deductions in pay of public employees for absences due to budget-required furloughs. During a workweek in which an exempt employee takes furlough leave, however, the employee is considered non-exempt for overtime purposes. Doctors, attorneys, and teachers do not need to be paid on a salary basis in order to be FLSA exempt, so the furloughs will not affect their FLSA status.

Employees are prohibited from working beyond scheduled hours without the specific prior authorization of their supervisor or manager. This includes exempt employees during weeks in which furlough leave is taken. Violation of this prohibition may result in discipline. Such work includes being physically present in the work place, working at home, working online, working on the telephone, working lunches, or working on a Blackberry. Supervisors must not authorize unscheduled work unless it is absolutely necessary to meet business needs.

#### **Option 1 – Designation of Specific Days for Furlough**

Wherever possible, all locations at DMA will implement the eight furlough days in FY 2010 and 2011 designated by OSER. The only exceptions will be where operational needs prohibit doing so. The "Additional Closing Days" identified below will apply to **The Adjutant General's Office (TAGO) Headquarters and Wisconsin Emergency Management (WEM)**. Most employees in TAGO and WEM are located at 2400 Wright Street, Madison. Some employees are in outlying areas. A combination of this option and other options will also apply to DMA operations as described below.

<b>FY 2010</b>	<b>Explanation</b>	<b>FY 2011</b>
Monday, October 12, 2009	Pre-determined by the Governor and OSER (Columbus Day)	Monday, October 11, 2010
Friday, November 27, 2009	Pre-determined by the Governor and OSER (Day following Thanksgiving)	Friday, November 26, 2010

Monday, February 15, 2010	Pre-determined by the Governor and OSER (Presidents' Day)	Monday, February 21, 2011
Friday, May 28, 2010	Pre-determined by the Governor and OSER (Friday prior to Memorial Day)	Friday, May 27, 2011

Additional Closing Days		
FY 2010	Explanation	FY 2011
Friday, September 4, 2009	Friday prior to Labor Day, slow business day	Friday, September 3, 2010
Wednesday, November 11, 2009	Veterans Day – federal workforce is off making for slow state business day at DMA	Thursday, November 11, 2010
Friday, January 29, 2010	C-pay period check, no deductions taken from this Check; least negative financial impact to employees.	Friday, January 28, 2011
Friday, April 2, 2010	Friday prior to Easter, slow business day	Friday, April 22, 2011

Full-time employees scheduled to work less than eight hours on a designated furlough day or employees not scheduled to work will have their schedules changed for that week. Employees scheduled to work more than eight hours on a designated furlough day may use accrued paid leave to cover the additional time. With prior supervisory authorization, the additional time may also be made up within the same workweek, as long as it does not create overtime.

#### Option 2 – Uniform Reduction in Salary and Creation of New Flexible Leave Days

This option will be used for some eligible employees (i.e., **FLSA non-exempt**, non-represented or represented by a labor organization that has signed an MOU with OSER) in the **Directorate of Installations Management and Truax Air National Guard Base**. Scheduling of furlough days may use a combination of Option 1 – Determination of Specific Days for Furlough, and Option 4 – Flexibility in Determination of Furlough Days and Hours, depending on operational needs.

#### Option 3 – Uniform Reduction in Work Hours

In addition to taking the eight state designated furlough days, **Volk Field** has indicated that it will utilize this option for some of its **FLSA non-exempt** employees in order to allow continuity of operations throughout the week.

#### Option 4 – Flexibility in Determination of Furlough Days and Hours

This option will be utilized for **FLSA Exempt** and some **non-exempt** employees in the following DMA locations:

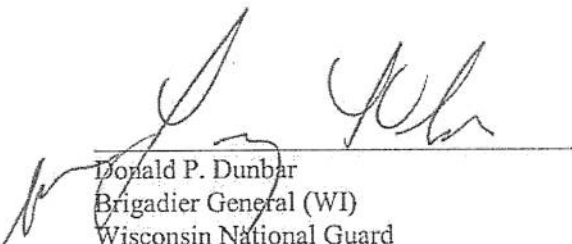
**Volk Field**  
**Mitchell Field**  
**Truax Field**  
**Directorate of Installations Management – field operations**  
**United States Property & Fiscal Office**  
**Wisconsin Military Academy**  
**TAGO – to the extent that operational needs preclude taking DMA designated days**

WEM – to the extent that operational needs preclude taking DMA designated days.

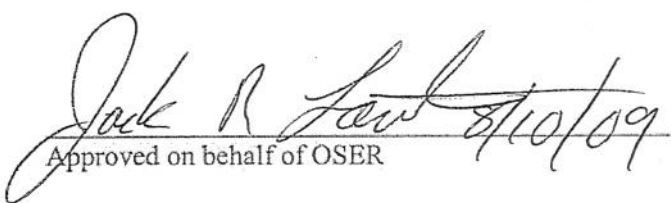
Limited Term Employees will be restricted to working 1,011 hours per appointment in each fiscal year. LTEs will not be scheduled to work on designated furlough days.

#### MONITORING AND REPORTING

First-line supervisors shall be responsible for approving, monitoring and tracking furlough time and for ensuring that subordinates fulfill furlough requirements. PTA Web will indicate the furlough obligation for each employee and YTD furlough time taken. Employees are to record furlough time in PTA Web using leave code 64 for unpaid furlough time and code 65 for paid furlough (used in conjunction with Option 2 –Uniform Reduction in Salary and Creation of New Flexible Leave Days).



Donald P. Dunbar  
Brigadier General (WI)  
Wisconsin National Guard  
The Adjutant General



Approved on behalf of OSER

\* approved with the condition  
that DMA explore option 2  
for use by FLSA non-exempt  
staff.